Wilson Jones

Minute Book
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WITH FILLER 903-30-25

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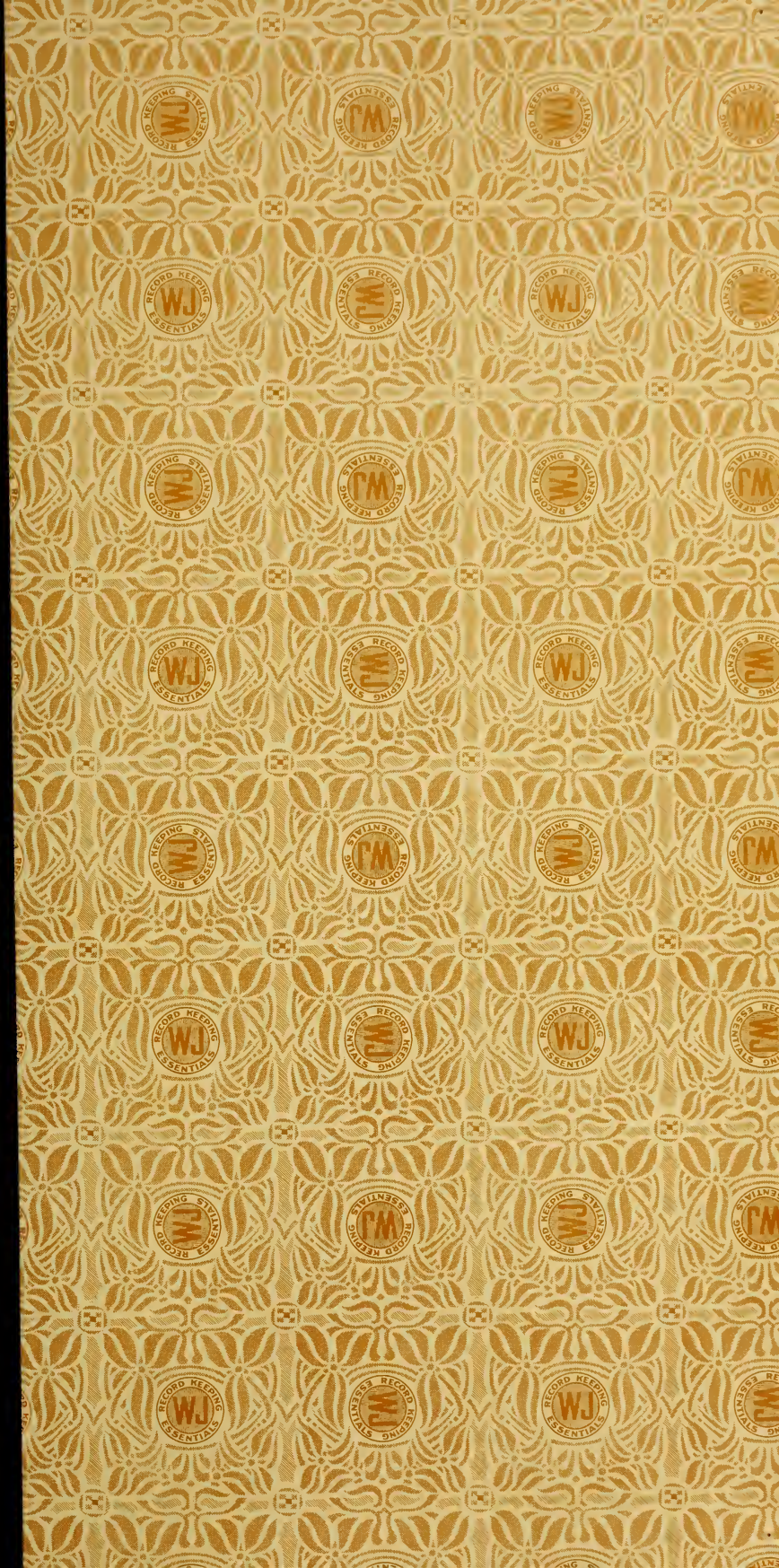
RECORD KEEPING
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ESSENTIALS

FORT WAYNE REDEVELOPMENT COMMISSION
MINUTES OF SPECIAL MEETING
JANUARY 29, 1990

TIME: 4:00 P.M.

PLACE: Room 128 City-County Building

MEMBERS PRESENT: R. Steven Hill, Benjamin Eisbart, George Simler, Kim Zuber, Emily Kass

MEMBERS ABSENT: All members were present

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay, Kim Romes-James

COUNSEL PRESENT: R. David Boyer, John Wernet

OTHERS PRESENT: David Rogers & Ed Willette of Irmscher & Sons, Inc.,

CALL TO ORDER: Mr. Hill called to order this special meeting of the Fort Wayne Redevelopment Commission.

ROLL CALL: All Present

OATH OF OFFICE: Commissioners of the Redevelopment Commission were sworn in by City Clerk, Sandra Kennedy.

ELECTION OF OFFICERS:

On a motion by George Simler, seconded by Ben Eisbart, and a motion to close nominations by Emily Kass, Mr. R. Steven Hill was nominated as President for the Fort Wayne Redevelopment Commission.

On a motion by R. Steven Hill, seconded by Ben Eisbart, and a motion to close nominations was made by George Simler. Mr. Kim Zuber was nominated as Vice-President for the Fort Wayne Redevelopment Commission.

On a motion by George Simler, seconded by Ms. Emily Kass, and a motion to close nominations was made by Mr. R. Steven Hill. Mr. Benjamin Eisbart was nominated as Secretary for the Fort Wayne Redevelopment Commission.

The officers were approved by acclamation.

The Special Meeting immediately followed the swearing in.

CALL TO ORDER

Mr. Hill called to order this special meeting of the Fort Wayne Redevelopment Commission.

ROLL CALL

All Present

APPROVAL OF MINUTES

Mr. Eisbart moved to approve the Minutes of December 4, 1989, which was seconded by Mr. Zuber.

APPROVAL OF CLAIMS

Mr. Zuber made a motion to approve the December Claims, Mr. Eisbart second the motion.

NEW BUSINESS

Resolution 90-1 & 90-2
Approving Contract for Professional Legal Services (David Boyer)
Approving Contract for Professional Legal Services (John Wernet)

On a motion by Mr. Eisbart, seconded by Mr. Zuber, Resolutions 90-1 and 90-2 were unanimously approved.

Resolution 90-3
Approving Contract for Professional Services (Julia Zickgraf)

Mr. Fletcher explained to the Commission that Ms. Zickgraf has been mainly working in the accounting aspects for the Commission. As that area needs diminishes, Mr. Fletcher stated that he would have her work on other projects as needed. She will be paid $12.00 per hour, no more than $6,480.00 for a twelve month period.

On a motion by Mr. Zuber, seconded by Mr. Simler, Resolution 90-3 was approved.

Resolution 90-4
Approving Contractor to remove asbestos (Midtowne Crossing)

Mr. Fletcher explained to the Commission during the selective demolition of the Groth Building, an asbestos covered piping was discovered on the second floor and stairwell bulkhead. Mr. Fletcher is requesting from the Commission the approval to retain the services of Environmental Technology to remove said asbestos from the building at an amount not to exceed $570.00.

On a motion by Mr. Simler, seconded by Mr. Zuber, Resolution 90-4 was approved.

Resolution 90-5
Approving release of retainage funds (Midtowne Crossing)

Ron Fletcher explained to the Commission that it is a requirement by the Contractor of the Midtowne Crossing Project that they pay 10% of their pay applications for funds into an escrow account. This resolution serves as an approval to release the funds from the escrow account to pay the contractors as they have substantially completed the work they were contracted to do. Jim Lindsay noted that Richard Ness Escavating is $15,000, and $103,000 to Charles C. Brandt, $762.00 has been withheld until completion. The amount they are petitioning for release is $145,712. Mr. Lindsay went on to say the amounts remaining or withheld from their pay applications for each contractor are as follows: Richard Ness Escavating - $500, Charles C. Brandt- $32,500 remaining in escrow pending the completion of their contracts. Upon notification of completion of their contracts from the architect, the owner, and the Commission, funds will be released to Richard Ness Escavating and S.A. Boyce.

On a motion by Kim Zuber, seconded by George Simler, Resolution 90-5 was approved.

Resolution 90-6
Approving Issuance of Certificate of Completion
(Ralph L. Shirmeyer & James A. Gill)

Mr. Fletcher explained that Ralph L. Shirmeyer & James A. Gill purchased Lot 15 of Hanna Creighton Subdivision more commonly known as 1411 East Wallace Street from the Redevelopment Commission in 1969. Mr. Shirmeyer and Mr. Gill contracted with

the Commission to build an office/warehouse facility, after the facility was constructed, the Redevelopment Commission would then issue Mr. Shirmeyer and Mr. Gill a Certificate of Completion. Mr. Shirmeyer and Mr. Gill are requesting said Certificate from the Commission in order to remove a cloud on the title of the property so the property can be sold.

On a motion by Mr. Zuber, seconded by Ms. Kass Resolution 90-6 was approved by the Commission.

Mr. Dave Rogers - Update on Midtowne Crossing Project

Mr. Dave Rogers of Irmscher & Sons, Inc. informed the Commission that the tentative completion date for the South block condominiums is February 23, 1990. Mr. Rogers explained that with the adoption of the latest budget for the project, there is approximately $75,000 in allowances remaining to complete the project. A large change order is being issued to delete all of the finishes in the north block, with the sale of the north block condominiums to Kennedy Development Services. The change order deductions are approximately $234,000. All of the finishes and appliances in the condominiums will be eliminated, the only thing that will be in the condominiums will be a prime coat of paint, there will be no floor finishes, cabinets, or appliances of any kind. The tenants and Kennedy Development Services will work together to get their condos finished. All changes will be monitored directly through Kennedy Development Services. Mr. Rogers feels that the project is moving well, there was the incident with the wall blowing down on January 11th at the project site, which Mr. Rogers was directed by Mr. Fletcher to start rebuilding, so as to not impede progress on the development of the project. A Structural Consultant has been called in to do a sonor analysis of the area where the wall had fallen to make sure there has been no structural damage. Mr. Rogers noted that any additional costs for the structural analysis will be covered under Builders Risk Insurance, after analyzing whether or not the " Contractor was at fault or this was just an unfortunate act of god."

Dave Boyer/John Wernet - Discuss Amendment to Midtowne Crossing Development and Lease Agreement

John Wernet informed the Commission that he has prepared an amendment to the Development and Lease Agreement. Mr. Wernet stated that he decided to leave the lease agreement fairly bland without much detail about the option to purchase and cover it under the amendment to the Development Agreement.

Mr. Eisbart, was concerned that local businesses could bid on the parking spaces and/or lease them from Ms. Kennedy under the agreement at an increased lease amount. Mr. Eisbart stated that he would be more relieved if there were some kind of provision within the contract to prevent this from happening. Mr. Wernet explained that he did not think it would be probable because the parking spaces cannot be bought and later leased at a higher rate. Mr. Wernet and Mr. Fletcher explained that they would do as much as they could do under the bond documents. Sheila Kennedy is the manager of the garage, the Commission sets the price of the parking spaces per month for the tenants at approximately $45 per space.

Mr. Wernet briefly went over the second amendment to the Development Agreement and mentioned some possible changes in Section 2 of the amendment, which states the Development Agreement provides for the piece meal exercise of the option to purchase. The parties have agreed that the Commission will sell to the Developer all of the new residential condominiums, the purchase price for all said condominiums shall be $850,000.00. Section 3: In the event change orders are entered into which reduce any of the construction contracts previously entered into, and later, change orders are entered into which increase those contracts, the Developer shall be solely responsible for any

payments to be made pursuant to the change order and the Commission shall not be required to execute the change order or be responsible therefor. Section 4: The soft costs, additional charges from Irmscher & Sons, Inc. Section 5: Summit Bank will give the Commission the assurance that loan proceeds will remain to pay the balance of all the costs due to Kennedy Development Services' action. Section 6: The parties reaffirm the provisions of the Development Agreement and the Amendment, the provisions of which shall remain in full force and effect.

Ron Fletcher - Discuss Amendment to Coldwater Crossing Project

Mr. Fletcher explained to the Commission the infrastructure improvements that would take place along the boundaries of the area. The improvements will expand Washington Center Road from 2 lanes to 4 lanes. Improvements on the overpass alone will be at least $6 Million dollars, 90% of the improvements will either be state of federal funds, 10% is local money. Mr. Fletcher stated that the Commission would need to approve a resolution and have a public hearing in order to amend the Economic Development Plan. Mr. Fletcher informed the Commission that more information will probably be presented to the Commission at the next meeting.

Review Annual Report and Discuss Goals, Objectives, and Initiatives for 1990

Mr. Fletcher supplied the Commission with a copy of the 1989 annual report and a draft copy of their goals and objectives for 1990. Mr. Fletcher and the Commission went over several projects that the Commission is currently undergoing and some possibilities for the coming year.

With no other business to discuss Mr. Hill, made a motion to adjourn, which was seconded by Mr. Eisbart.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: March 7, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
MINUTES OF SPECIAL MEETING
MARCH 7, 1990

TIME: 4:30 P.M.

PLACE: Room 128 City-County Building

MEMBERS PRESENT: R. Steven Hill, George Simler, Kim Zuber

MEMBERS ABSENT: Bemjamin A. Eisbart and Emily Kass

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay, Kim Romes-James

COUNSEL PRESENT: R. David Boyer and John Wernet

CALL TO ORDER

Mr. Hill called to order this special meeting of the Fort Wayne Redevelopment Commission.

***Note:** The Fort Wayne Redevelopment Commission recessed its March 5, 1990 meeting until March 7, 1990.

APPROVAL OF MINUTES

Mr. Zuber made a motion to approve the minutes of January 29, 1990, seconded by Mr. Simler.

APPROVAL OF CLAIMS

Mr. Zuber made a motion to approve the January claims, seconded by Mr. Simler.

Resolution 90-7
Approving Second Amendment to Midtowne Crossing Development Agreement

Mr. Wernet briefly went over the second amendment to the development agreement. Mr. Wernet stated that Section (1): of the old development agreement referred to a lease with option to purchase since the lease with option to purchase is being amended the Commission can reference it.

Section (2): is the provision allowing the Midtowne Crossing Associates to exercise the option to purchase. The Commission will sell the new residential condominiums at a purchase price of $850,000, $650,000 due July 31, 1990. The Commission will then deliver an appropriate deed for the condominiums to the Midtowne Crossing Associates and receive from the Midtowne Crossing Associates an executed note of $200,000 without interest payable on the sale or refinancing of the commercial units or ten years from the date of completion whichever is the first to occur.

Section (3) is a provision with respect to change orders that was discussed previously at a December Commission meeting, which allowed the developer to make change orders reducing the existing construction contracts as long as they do not reduce the number of units or the sizes of the units. That does not mean that she cannot put together more than one unit, but they would still be considered more than one unit, for condominium regime purposes. The change orders that the developer is proposing now would cause a reduction of $237,000 in contracts and a reduction in the finishes, final coat of painting, cabinets, etc. Any change orders that Ms. Kennedy signs or contracts that she would sign with any contractor that may increase those contracts, the Commission will not be obligated to sign those change orders and will not be responsible for them.

Section (4): is the reacclamation of the $5 Million dollar maximum commitment, although at this point the Commission has agreed to disagree with the sewer costs and pre-bidding construction manager costs. Mr. Wernet mentioned that it should be dealt with at the end of construction to determine how much Kennedy is over budget.

Section (5): is a reference that was previously approved by Resolution that the Commission take out the soft costs from the contracts. Kennedy Development Services submits its soft costs claims directly to Summit Bank, which are approved by Jerry Thompson who inturn sends the Redevelopment Commission a copy of this approval, so this information could be incorporated into the budget and related financial statements for the project.

On a motion by Mr. Zuber, seconded by Mr. Simler Resolution 90-7 was approved.

Resolution 90-8
Approving Release of Retainage for Martin Enterprises

Mr. Fletcher explained to the Commission after a substantial amount of work is completed, the Commission releases a portion of the retainage fee up to that point. Any other additional work that needs to be completed, the Commission retains that amount until completed. Martin Enterprises has substantially completed their work on the project, the Architect, the Construction Manager, and staff have all agreed that it is substantially complete. Staff recommends the release of the remaining retainage amount left in escrow of $4,000.00.

On a motion by Mr. Simler, seconded by Mr. Zuber, Resolution 90-8 was unanimously approved by the Commission,

Resolution 90-9
Selecting a Contractor to removes asbestos from the Midtowne Crossing Project Site

Mr. Lindsay informed the Commission that during the selective demolition of the Groth Building a 12 foot asbestos covered pipe was discovered on the ceiling of the third floor. Staff is recommending that the Commission ratify the selection of Environment Technology, the lowest of (2) bids to complete the removal of asbestos within said building.

On a motion by Mr. Zuber, seconded by Mr. Simler, the Commission hereby ratifies the execution of a contract in an amount not to exceed $150.00 for the removal of said asbestos.

Resolution 90-10
Approving entering into an Agreement for Sale and Development of Real Estate in Summit Industrial Park

Mr. Fletcher informed the Commission that INGRAM, a warehouse distribution company would like to build a 210,000 sq. ft. facility in Summit Industrial Park. INGRAM will occupy 20.148 acres at $23,500 per acre, total price being $473,476. The offer is subject to either roof-top ventilation units without parapet screening or an alternate design acceptable to Buyer and approved by the Indiana Fire Marshall's Office, obtaining a environmental report satisfactory to Buyer and at buyer's expense, obtaining the necessary approval for security fencing enclosing Buyer's docking facilities. INGRAM plans to complete construction by August of 1990.

Staff is requesting from the Commission the approval to execute said Contract For Sale and Development of Real Estate.

On a motion by Mr. Zuber, seconded by Mr. Simler, Resolution 90-10 was approved.

With no other business to discuss, Mr. Hill made a motion to adjourn, which was seconded by Mr. Zuber.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: March 29, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
MINUTES OF EXECUTIVE SESSION
MARCH 29, 1990

TIME: 5:30 P.M.

PLACE: Room 128 City-County Building

MEMBERS PRESENT: R. Steven Hill, Kim Zuber, Benjamin Eisbart, Emily Kass

MEMBERS ABSENT: George Simler

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay, Kim Romes-James, Loren Kravig

COUNSEL PRESENT: R. David Boyer

COUNSEL ABSENT: John Wernet

OTHERS PRESENT: John Stafford

CALL TO ORDER

Mr. Hill called to order this executive session of the Fort Wayne Redevelopment Commission.

Discuss proposed response to possible litigation

Mr. Eisbart made a motion to adjourn the executive session, seconded by Mr. Zuber.

***Note: This signature is to certify that during the Executive Session of this meeting, no other subject matter was discussed.**

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: March 29, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
MINUTES OF SPECIAL MEETING
MARCH 29, 1990

TIME: 4:30 P.M.

PLACE: Room 128 City-County Building

MEMBERS PRESENT: R. Steven Hill, Benjamin A. Eisbart, Emily Kass, Kim Zuber

MEMBERS ABSENT: George Simler

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay, Kim Romes-James, Loren Kravig

COUNSEL PRESENT: R. David Boyer

COUNSEL ABSENT: John Wernet

OTHERS PRESENT: Mary Beth Williamson, EDC
(Representing Ingram)
Ed Willette
(Midtowne Crossing Project Superintendent)
Tom Cain
(C&ED)
John Stafford

CALL TO ORDER

Mr. Hill called to order this special meeting of the Fort Wayne Redevelopment Commission.

APPROVAL OF MINUTES

Mr. Eisbart made a motion to approve the minutes of March 7, 1990, seconded by Mr. Zuber.

APPROVAL OF CLAIMS

Mr. Zuber made a motion to approve the February claims, seconded by Mr. Eisbart.

Mary Beth William, a real estate consultant and representative for the Ingram Distribution Group made a presentation to the Commission explaining the operation of the company, and the preliminary construction plans that are proposed. Mr. Fletcher stated that the earth mound on the west side of the project had to remain as a buffer and further mentioned that he has stated this several times to Ingram and their representatives during negotiations.

Resolution 90-11
Approving Development Agreement with Fort Wayne Partnership, L.P., (Ingram Distribution Group, Inc.)

Mr. Fletcher asked the Commission if they had a chance to read over the Agreement that was previously sent. Mr. Fletcher and Mr. Boyer mentioned that the only change that may take place to the agreement will be stylistic changes, capitalizations, lower case etc., the resolution requests that the Commission approve the development agreement with small changes to be approved by the Director and legal counsel.

On a motion by Mr. Eisbart, Seconded by Ms. Kass, resolution 90-11 was approved.

Resolution 90-12
Approving preliminary construction plans for Fort Wayne Partnership, L.P., (Ingram Distribution Group, Inc.)

According to the current plans the proposed expansion to occur at a later date would cover more than the 50% allowable by the guidelines of the Summit Park Business Association. This issue will be addressed at a later date. Mr. Cain mentioned that Ingram will be doing heavy landscaping, and felt that Ingram has met the architectural guidelines and covenants very closely. Mr. Fletcher mentioned to the Commission that the Summit Park Business Association has already met and approved the preliminary construction plans of Ingram.

On a motion by Mr. Eisbart, seconded by Ms. Kass, resolution 90-12 was approved.

Resolution 90-13
Approving architectural consulting agreement (Alan Grinsfelder)

Mr. Fletcher informed the Commission that Mr. Grinsfelder under a former consulting agreement upon request, has reviewed plans for the Commission, particularly as it pertained to Summit Industrial Park. Mr. Grinsfelder's expertise will not be needed as much for Summit Park, but possibly for Southwest Downtown Study, etc. Mr. Fletcher feels that it would be beneficial to have someone on contract available to review future plans. Mr. Grinsfelder has agreed to contract with the Commission for $60.00 per hour.

On a motion by Mr. Zuber, seconded by Eisbart, Resolution 90-13 was approved.

Resolution 90-14
Approving the release of retainage funds for Midtowne Crossing Project

Mr. Lindsay informed the Commission that Dealers Wholesale, Inc. had entered into a construction contract with the Commission to supply the hardware doors for the Midtowne Crossing Project. Excess retainage funds were withheld from their contract, this resolution ratifies the release of the excess amount only ($3,503.65) to Dealers Wholesale, Inc. Mr. Lindsay stated that the reason excess amount was withheld was because of change orders, adding and subtracting as the project went along. This amount merely brings the contractor retainage back to the point where it should be. The Construction Manager, Architect and Executive Director have reviewed each request for release of retainage funds and have no objections.

On a motion by Mr. Eisbart, seconded by Mr. Zuber, resolution 90-14 was approved.

Midtowne Crossing Construction Update (Ed Willette)

Mr. Ed Willette, the Project Superintendent for the Midtowne Crossing Project stated to the Commission that the south half of the project is pretty much complete, one of the owners has requested to start moving furniture in one of the units. The north half should be substantially completed by the end of the July, work will continue as the weather permits. Mr. Willette mentioned since some of the Commissioners were unable to attend the last tour of Midtowne, Jim will arrange another tour for those who were unable to attend.

East Main & Clay Street Lights

Mr. Fletcher informed the Commission that he received a letter from Snouffer, Haller & Colvin requesting that the Commission consider putting lights from Lafayette to Clay Streets to finish out the lighting on Main street. The prices to put in 8 lights, north and south on Main Street would be $28,450, 3 light fixtures on the west side of just Clay street would be $10,700. It was suggested by Street Light Engineering that doing half a block of Main Street may cause lighting problems, it could either be approximately a $28,000 project or a $10,000 project. Mr. Hill asked staff if there would be enough money to cover the cost in the capital fund, staff quoted that there would be enough funds to cover the cost of any lighting improvements that the Commission may wish to engage in. After a brief discussion, the Commission agreed that they would approve investing in the light fixtures on both Main and Clay Streets.

Staff informed the Commission that he would have an appropriate resolution available at the next Commission meeting.

Resolution 90-15
Allowing the designation of property as an Economic Development Revitalization area for the Ingram Distribution Group, Inc.

Mr. Fletcher informed the commission that in order for Ingram Distribution Group, Inc. to receive a tax abatement on their project, the Commission will need to approve the tax abatement. Mr. Fletcher noted that Ingram has already been before Council and the tax abatement was approved.

On a motion by Mr. Eisbart, seconded by Mr. Zuber, resolution 90-15 was approved.

Resolution 90-16
Ratifying the selection of a surveyor to complete surveying work at Summit Industrial Park and the purchase of title insurance pursuant to the sale of real estate at Summit Industrial Park

Ingram Distribution Group, Inc. entered into an Option for Purchase of Real Estate with the Redevelopment Commission, Section 1 of said option requires that the Commission provide certain surveys of the optioned parcels, and a policy of title insurance showing marketable title to the seller. Staff has enlisted the services of R.K. Karst & Associates to perform said survey work at an amount not to exceed $400.00. Staff has enlisted the services of Three Rivers Title Company to issue a policy of title insurance at a price not to exceed $600.00. Staff requests the Commission to ratify its selection of R.K. Karst & Associates and Three Rivers Title Insurance.

On a motion by Mr. Eisbart, second by Ms. Kass, Resolution 90-16 was approved.

Resolution 90-17
Ratifying the Selection of a Surveyor to complete surveying work at Lafayette-Williams Urban Renewal Project

Troy Towel Company through Mrs. Jones has offered to purchase real estate from the Commission within the Lafayette-Williams Urban Renewal area. The offer requires that the Commission provide a survey of the parcel and a policy of title insurance showing marketable title to the buyer. Staff has enlisted the services of David Anderson to perform said survey work at an amount not to exceed $125.00 and Three Rivers Title Insurance to provide title insurance at an amount not to exceed $190.00. Staff requests the Commission to ratify its selection of David Anderson and Three Rivers Title Insurance.

On a motion by Ms. Kass, second by Mr. Eisbart, Resolution 90-17 was approved.

Resolution 90-18
Approving the selection of a contractor to undertake environmental site assessments of two properties proposed for acquisition as part of Headwaters Park

Mr. Fletcher stated that the Commission agreed to assist the Headwaters Park Commission in the assessment process of two properties considered for inclusion within the Park. Mr. Fletcher then introduced Loren Kravig as the newest Redevelopment Specialist and asked him to give a report on the assessment process. Mr. Kravig explained to the Commission that the first phase of the process is to make a visual assessment, and a records check, with the Indiana Department Surplus List. A Phase I assessment is proper in real estate transactions in order to determine whether or not a property may be contaminated with hazardous materials. A Phase I assessment is required by regulations governing the expenditure of Community Development Block Grant funds. Staff recommends that Air Contamination Identification, Inc. perform said environmental site assessments at an amount not to exceed $990.00. The Redevelopment Commission will be reimbursed in full for the expense of said site assessments with Community Development Block Grant funds committed to the park project.

On a motion by Mr. Eisbart, second by Ms. Kass, Resolution 90-18 was approved.

Resolution 90-19
Approving the leasing of parking spaces in the Midtowne Crossing Parking Garage

Mr. Fletcher explained to the Commission that after the appropriate posting of bids for the leasing of parking spaces located at the Midtowne Crossing Parking Garage, one (1) bid was submitted, which was from the Midtowne Crossing Associates, Inc. The Midtowne Crossing Associates proposed to lease all 104 parking spaces at an initial cost of $65.00 per space per month subject to's. After a brief discussion, the Commission agreed to strike the word accept from Resolution 90-19, Section #1 and replace it with the word acknowledge. The Commission will decide on its acceptance after staff and counsel review in detail the subject to's in the lease proposal, and report their findings at the next Commission meeting.

On a motion by Mr. Eisbart, second by Ms. Kass, Resolution 90-19 was approved.

Staff informed the Commission that Joe D'Italia has plans for further development of his building located in Summit Industrial Park. After reviewing the plans, staff recommends approval of Mr. D'Italia's plans subject to meeting the architectural guidelines of Summit Industrial Park. Staff mentioned to the Commission that Mr. D'Italia's plans must go before the Summit Park Business Association for final approval. Mr. Eisbart wanted to know why the Commission needed to approve construction plans within Summit Park. Staff reminded Mr. Eisbart that the "Park" was located within an urban renewal area, and construction plans must be approved by the Redevelopment Commission as well as the Summit Park Business Association.

On a motion by Mr. Eisbart, second by Ms. Kass, Mr. D'Italia's construction plans were approved subject to the landscaping issue is resolved which staff will discuss with Mr. D'Italia.

Mr. D'Italia has made an offer of $20,000 per acre for Lot 9 located in Summit Industrial Park. Mr. Fletcher has informed Mr. D'Italia that $20,000 is below ND Tech and Ingram sells of $23,000 per acre. Mr. Fletcher plans to continue negotiations with Mr. D'Italia and will report results at the next scheduled Commission meeting.

With no other business to discuss, Mr. Eisbart, made a motion to adjourn the meeting, which was second by Mr. Zuber.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: March 29, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
MINUTES OF EXECUTIVE SESSION
APRIL 26, 1990

TIME: 4:00 P.M.

PLACE: 8th Floor Conference Room, City-County Building

MEMBERS PRESENT: R. Steven Hill, Kim Zuber, Benjamin Eisbart, George Simler

MEMBERS ABSENT: Emily Kass

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay

COUNSEL PRESENT: John Wernet

COUNSEL ABSENT: R. David Boyer

OTHERS PRESENT: Sheila Kennedy, Kennedy Development
Jeff Gearhart, Kennedy Development
George Mallers, Attorney
Dave Rogers, Irmscher
Jerry Thompson, Summit Bank

CALL TO ORDER

Mr. Hill called to order this Executive Session of the Fort Wayne Redevelopment Commission.

Discuss proposed response to possible litigation

Mr. Simler made a motion to adjourn the Executive Session, seconded by Mr. Zuber.

***Note: This signature is to certify that during the Executive Session of this meeting, no other subject matter was discussed.**

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: May 30, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
MINUTES OF SPECIAL MEETING
APRIL 26, 1990

TIME: 5:15 P.M.

PLACE: Room 128 City-County Building

MEMBERS PRESENT: R. Steven Hill, Benjamin A. Eisbart, George Simler, Kim Zuber

MEMBERS ABSENT: Emily Kass

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay, Kim Romes-James, Loren Kravig

COUNSEL PRESENT: John Wernet

COUNSEL ABSENT: R. David Boyer

OTHERS PRESENT: Nick Trkla and Joan Herron (Trkla, Pettigrew, Allen & Payne)
Greg Purcell and Tom Cain (Community & Economic Development)
Joe D'Italia (J.D. Summit & Associates)
John Stafford

CALL TO ORDER

Mr. Hill called to order this special meeting of the Fort Wayne Redevelopment Commission.

APPROVAL OF MINUTES

Mr. Eisbart made a motion to approve the minutes of March 29, 1990, seconded by Mr. Simler.

APPROVAL OF CLAIMS

Mr. Eisbart made a motion to approve the March claims, seconded by Mr. Simler.

Resolution 90-20
Approving Offer to Purchase Lot 9 of Summit Industrial Park

Mr. Joe D'Italia of J.D. Summit & Associates, has formally submitted an offer to purchase Lot 9 consisting of 3.206 acres at a price of $23,500 per acre for a total of $75,341.00. Mr. D'Italia currently owns Lots 7 and 8 in Summit Industrial Park, and plans to expand his development to include Lot 9. After a brief discussion, a motion by Mr. Eisbart, second by Mr. Hill, Resolution 90-20 was approved.

Nick Trkla presentation of Southwest Downtown Study

Nick Trkla accompanied by Joan Herron of Trkla, Pettigrew, Allen & Payne, made a presentation to the Commission in regards to the Southwest Downtown Study. After a brief discussion of the proposed southwest downtown plan, the Commission decided to take the proposal under advisement, and discuss it at the next Commission meeting. Staff has asked Mr. Trkla to prepare the final draft of the study to be reviewed.

Resolution 90-21
Approving final construction plans for Ingram Distribution Group, Inc.

Tom Cain of Community & Economic Development informed the Commission that Ingram Distribution Group has complied with the architectural guidelines for the construction of their facility. Mr. Cain mentioned that there were some minor items that are still pending and has asked the Commission to approve this Resolution contingent upon these items being cleared up. Tom Cain also mentioned that when the Allen County Plan Commission approved the primary plat of Summit Park, the developer was asked to provide a buffer screen on the west side of the park to accommodate the request of a residential land owner on Chalfant Road.

On a motion by Mr. Eisbart, second by Mr. Simler, to approve the plans subject to the Executive Director's final review and approval of the plans.

Resolution 90-22
Approving paying insurance deductible for Midtowne Crossing loss.

On January 13, 1990 the fire wall between the Lillie and Groth buildings collapsed, and on February 24, 1990 wood framing on the second floor of the Lillie building, along Calhoun Street collapsed, both due to high winds. Separate insurance claims in the amounts of $32,302.91 and $2,368.60 respectively have been filed with the Commission's Builders Risk Carrier, leaving the Commission deductible obligations of $5,000.00 and $2,369.60 respectively. Jim Lindsay and Ron Fletcher has reviewed these claims and recommends payments to the contractors concerned in a total amount not to exceed $34,672.51, at least $27,302.91 of which will be paid to the Commission from the carrier of the Commission's Builders Risk Policy.

On a motion by Mr. Eisbart, second by Mr. Simler, Resolution 90-22 was approved.

Resolution 90-23
Approving Midtowne Crossing Parking Agreement

John Wernet explained to the Commission that after further discussion with the Midtowne Crossing Associates the only other concerns they had was the 50% override on any increases, since the Commission is presently, according to the Development Agreement entitled to receive 20% of the net cash flow. According to Midtowne Crossing Associates, if there are costs increases rather than worry about cost inflation they propose that the Commission receive 20% of any increases. Midtowne Crossing Associates would also like to delay the commencement of payment to the Redevelopment Commission. The agreement states that the first payment shall begin August 1, 1990, they propose to pay the pro-rated share as spaces are leased until April 1, 1991, at which time they would pay for all the spaces. The Midtowne Crossing Associates would like to establish the parking rates subject to the approval of the Redevelopment Commission. Mr. Wernet stated that he suggests that the Commission adopt a resolution with an amendment which states "with such changes as approved by the director, attorney, and finance committee." The Commission decided after discussion to approve an amended Resolution 90-23 as recommended by the Commission Attorney.

Resolution 90-24
Approving an increased expenditure for the environmental site assessment (Headwaters Park)

Loren Kravig originally solicited proposals for the Environmental Site Assessment of two properties within the Headwater Park Project area. During a meeting with the Land Assessment Committee/Headwaters Park Commission, it has been brought to the attention of staff that RKO Bottling Company has decided to donate to the Headwater Park Commission 3,460 sq. ft. of real estate, part of Lot 7, Wells Reserve, between Wells and Cass Streets. Staff requested and received revised proposals to reflect the cost of undertaking the Environmental Site Assessment of three properties opposed to two. Air Contamination Identification, Inc. was the lowest of the bids submitted for the assessment of the three properties. This Resolution is requesting the Redevelopment Commission to authorize an increased payment to Air Contamination Identification, Inc. for the assessment of three properties in an amount not to exceed $1,590.00.

On a motion by Mr. Eisbart, second by Mr. Simler, Resolution 90-24 was approved.

With no other business to discuss, Mr. Hill made a motion to adjourn the meeting, which was second by Mr. Eisbart.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: May 30, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
SPECIAL MEETING
MAY 30, 1990

TIME: 4:30 P.M.

PLACE: Room 108 City-County Building

MEMBERS PRESENT: R. Steven Hill, Benjamin A. Eisbart, George F. Simler III, Emily Kass

MEMBERS ABSENT: Kim Zuber

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay Kim Romes-James, Loren Kravig

COUNSEL PRESENT: John Wernet, R. David Boyer

OTHERS PRESENT: Dave Rogers, Irmscher & Sons, Inc.

CALL TO ORDER

Mr. Hill called to order this special meeting of the Fort Wayne Redevelopment Commission.

APPROVAL OF MINUTES

Mr. Eisbart made a motion to approve the minutes of April 26, 1990, seconded by Mr. Hill.

APPROVAL OF CLAIMS

Mr. Eisbart made a motion to approve the April claims, seconded by Ms. Kass.

Update on Midtowne Crossing Project by Dave Rogers

Mr. Rogers informed the Commission that they were presently finalizing the construction of the south block. Mr. Rogers mentioned that there were some problems with the compression of the Lillie Building which caused a delay in construction within the north block. Mr. Fletcher noted that on the south block the contractor seemed to have problems completing their obligations in regards to the finishes. Mr. Rogers also made note that Custom Decorating was put on notice, due to the performance of their work on the south block. after a discussion between John Wernet, Sheila Kennedy, and Ron Fletcher it was agreed that Custom Decorating should be released from their obligation to work on the south block, but continue with their contract to work on the north block. Mr. Fletcher went on to say that Mr. Rogers has additional expenses as it relates to change orders for the Midtowne Crossing Project. Mr. Rogers reported as of April 17, 1990, after writing change orders, a balance of $30,171 remains in the cost budget. As of May 29,1990, $29,900 dollars worth of change orders were written which left a balance of $593.00 left in the project for writing any change orders that may occur. Mr. Rogers is requesting an additional $45,000 to complete the project.

Review Final Midtowne Crossing Parking Garage Agreement

Mr. Fletcher informed the Commission that at the last Commission meeting Resolution 90-23 was approved. Thia action approved the initial form of the parking garage agreement with minor changes to be approved by the Director, Attorney, and Finance Committee. The Finance Committee has reviewed the changes that have been made to the agreement and has approved the changes. One of the changes to the agreement was the 30% .

that the Commission will receive. Another part of the change was that Midtowne Crossing Associates could not increase the rent on the spaces any more than the average of downtown parking garage leases. Until the end of 1990 the Redevelopment Commission will receive from Midtwone Crossing Associates $30.45 per leased space, and starting January of 1991 the Commission will receive $30.45 for all spaces.

Resolution 90-25

Approving agreement with Siebold-Price for maintenance of Summit Industrial Park

Mr. Fletcher informed the Commission that the Redevelopment Commission currently owns (2) parcels located in Summit Industrial Park. Last years maintenance agreement was between Siebold-Price and the Redevelopment Commission to mow Lots 9 and 16, Lot 9 is currently being processed for sale, which is anticipated in mid-June. The Commission is responsible for maintaining Lot 16 land for the purpose of attracting new development and to preserve its appearance. The Summit Park Business Association solicited requests for proposals from a number of lawn maintenance services, and found that Siebold-Price had the lowest and best bid. Siebold-Price will be paid by the Association members $20.00 per acre for developable land not to exceed $144.00 per mowing. Staff recommends that the Commission ratify the selection of Siebold-Price Lawn and Landscaping as the maintenance contractor for the Commission.

On a motion by Mr. Simler, second by Ms. Kass, Resolution 90-25 was approved.

Resolution 90-26

Approving agreement with Board of Works and Bonsib Building Partnership

Mr. Fletcher reported to the Commission that over the past (6) months he has been negotiating with Dick Bonsib to put in new sidewalks and curbs around their building and a vertical curtain wall in their basement, located at the NE corner of Washington & Harrison Streets. The estimated cost of the project is $75,000. Bonsib has agreed to put in the wall underneath their building isolating the basement underneath the sidewalk from the basement directly under their building at a cost of approximately $40,000. The Redevelopment Commission has agreed to put in approximately $25,000 as an incentive toward development of the sidewalks, curbs, and landscaping. The Board of Works has put together bid packets for the project. There will be a three party agreement, stating that Bonsib will agree to pay anything above the $25,000, the Commission agrees to pay $25,000, and the Board of Works will agree to go through the bidding process, take the bids, award the bids, etc. The Board of Works has required the preparation of engineering plans, surveys, and drawings, which is not included in the $25,000. Mr. Fletcher informed the Commission that this additional cost to the Commission will be approximately $1,000. The Board of Works will conduct construction inspections during the course of construction.

On a motion by Mr. Eisbart, second by Mr. Simler, Resolution 90-26 was approved.

Resolution 90-27

Approving sidewalk improvements technical services

The Commission wishes to assist in the preparation of plans and specification costs for curb and sidewalk improvement adjacent to

the Central Building, and the Baskin Patterson Fletcher Building. The Commission will be entering into a three party agreement similar to the one for the Bonsib Project.

On a motion by Mr. Eisbart, second by Mr. Simler, the Commission approved the technical services that is necessary to bid the project.

Resolution 90-28

Ratifying the purchase of title insurance pursuant to the sale of real estate at Summit Industrial Park

J.D. Summit has entered into an agreement with the Redevelopment Commission to purchase Lot 9 of Summit Industrial Park. Section 6 of the agreement states that the Commission will provide a policy of title insurance showing marketable title to the seller. This Resolution is to ratify its selection of Three Rivers Title Insurance Company to perform said title work at a price not to exceed $300.00.

On a motion by Mr. Eisbart, second by Ms. Kass, Resolution 90-28 was approved.

Resolution 90-29

Authorizing the expenditure of additional funds for the Midtowne Crossing Project

Ron Fletcher, and John Wernet briefly went over the changes in regards to the original budget, as amended. Mr. Fletcher informed the Commission that this Resolution is giving the Executive Director, and Commission Attorney the authority to go forward with the agreement based upon Attachment A. The Commission will ultimately be contributing up to $205,200 in additional monies for the project, these monies will be limited to certain project costs as outlined in Attachment A. The project costs which will be funded are as follows:

Water Line to Vogue Building	$ 12,000
Landscaping	25,000
Security Gates	5,000
Additional Construction Manager Fees	8,200
Construction Manager Reimbursables	45,000
Tin Ceiling Replacement and repair	90,000
Telephone	20,000
	$205,200

Except for an amount not to exceed $92,000 to be used for the waterline to the Vogue Building ($12,000), the construction manager reimbursables ($45,000), and the replacement of the tin ceiling for $35,000, the Commission's obligation to spend the $205,200 is subject to Midtowne Crossing Associates satisfactorily demonstrating to the Commission that it has procured funding for the other $211,000 of costs as listed on the unfunded project cost list.

Furniture/Fixtures	$ 30,000
Exercise Equipment	10,000
Mini Blinds	19,000
Additional Legal	20,000
Marketing	70,000
Miscellaneous Reimbursables to KDS, Inc.	13,000
Project Management Contract/Jeff Gearhart	34,000
Groth Stairway	15,000
	$211,000

In the event there are cost savings which reduce the amounts in the line items listed for the Commission's contribution, the Commission will set aside those savings and will provide same to the project for use for the Groth Building stairway ($7,500) or the Hunter Building floor ($7,500), but for no other expense without the prior approval of the Commission those expenditures will be made when leases are figured with retail tenants for those spaces. Staff recommends approval of this action.

Unfunded Project Costs

Furniture/Fixture	$ 30,000
Exercise Equipment	10,000
Mini Blinds	19,000
Additional Legal	20,000
Marketing	70,000
Miscellaneous Reimbursables to KDS, Inc.	13,000
Project Management Contract with Jeff Gearhart	34,000
Hutner Floor/Groth Stairway	15,000
	$211,000

By voice vote Mr. Hill voted yes, and Mr. Eisbart voted no. On a motion by Mr. Simler, second by Ms. Kass, Resolution 90-29 was approved.

OTHER BUSINESS

Mr. Fletcher informed the Commission that Kim, the Redevelopment Commission Secretary has requested new transcribing equipment. After soliciting several companies to acquire pricing as well as the necessary capabilities, it was agreed that Dictaphone had the best and lowest prices in terms of transcribers. After a brief discussion, Mr. Fletcher informed the Commission that he intends to discuss pricing with the representative from Dictaphone before finalizing the purchase. Mr. Fletcher stated that there would be a resolution prepared for an offical approval of the purchase.

With no other business to discuss, Mr. Hill made a motion to adjourn the meeting, which was second by Mr. Eisbart.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: July 18, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
REGULAR MEETING
JULY 18, 1990

TIME: 4:30 P.M.

PLACE: Mayor's Conference Room, City-County Building

MEMBERS PRESENT: R. Steven Hill, Benjamin A. Eisbart, Emily Kass, Kim Zuber

MEMBERS ABSENT: George F. Simler III

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay, Kim Romes-James, Loren Kravig

COUNSEL PRESENT: John Wernet, R. David Boyer

OTHERS PRESENT: Dave Rogers, Irmscher & Sons, Inc.
Tom Cain, Community & Economic Development

CALL TO ORDER

Mr. Hill called to order this special meeting of the Fort Wayne Redevelopment Commission.

APPROVAL OF MINUTES

Mr. Eisbart made a motion to approve the Minutes of May 30, 1990, seconded by Mr. Zuber.

APPROVAL OF CLAIMS

Mr. Hill made a motion to approve the May and June 1990 Claims, seconded by Mr. Eisbart.

Request to use Hanna School Property

Pastor Bayden, Ray Alexander, and Carlos Blake, of the Hanna Seventh Day Adventists Church are requesting from the Commission permission to use the lot located on the corner of Lafayette and Williams Street. The Adventists group plans to conduct revival services, health programs, blood tests, health screenings, etc. Security personnel will be provided to ensure safety, the tent will be well lit, and the group carries a $1 million dollar insurance policy. The Commission agreed to grant the request to use the Hanna School property, pending the group speaking with the owners of Troy Towel Supply, adding the Redevelopment Commission to their existing insurance policy and executing an appropriate agreement. The Commission Attorney was instructed by the Commission to prepare a land use agreement to include the terms discussed.

Midtowne Crossing Construction Update - Dave Rogers

Mr. Rogers informed the Commission that he believes construction of the project is going well. Mr. Rogers estimates the completion date to be the end of August, the difficulties with the painting contractors have been resolved as far as finishing out the south block. Bachman, Inc., the contractor hired to complete the south 1/2 block painting contract, has invoiced the office of Irmscher & Sons, Inc. for painting services rendered. This amount will be deducted from Custom Decorating's contract balance and other retainage on the project. Irmscher will then pay Bachman out of the reimbursables. Mr. Rogers mentioned that a report was sent to the Commission regarding Wiss-Jinney inspection of the Lillie building settlement. The report is very thorough and precise, as of this time there is no concrete conclusion as to what caused the problem. It is felt that possibly the problem could have been caused by expansion, or a combination of expansion of the plumbing and the drying of the lumber used for the framing.

Mr. Rogers stated that he has forwarded this information on to the Architect and David Snyder, Structural Engineer, for their evaluation of this problem. The Architect will then in turn pass the information on to the Mechanical Engineer who designed the facility. The cutting of larger holes for expansion for the horizontal and vertical pipes could have potentially alleviated the joints stress caused by relative movement. Mr. Rogers was not sure whether of not there was a building code pertaining to structures above 3 ft. requiring expansion sizing. This problem is still being researched and the report is being looked at by the experts. More information will be given at the next scheduled Commission meeting.

Mr. Rogers also mentioned to the Commission that staff has asked him to prepare costs for improvement of the alleys that are not a part of the project, but near the project site. These are summarized as follows:

Item No.#	Project Site	Concrete	Brick
1	Between Lebamoff and Atlantis Bldg.	$ 15,175 (7")	$ 24,700
2	Between Printing & Thirsty Camel Bldg.	$ 12,880 (4")	$ 21,780
3	South Vogue Bldg.	$ 17,340 (7")	$ 20,180

The only costs that are not included in these costs are costs that the the adjacent building owners will have to pay as for connecting their down spouts into the sewers. Mr. Fletcher stated that since area #3 is probably 2 1/2 times as large as area #1, why is there only a $2,000 difference in concrete? Mr. Rogers explained that Martin has taken a look at what has to be done in all areas, and said that the area between Calhoun and the back of the Lillie Building is very critical because of the Summit Bank cable in that area. The cost was greater because the demolition has to be done by hand, and the cost for the brick pavers are greater because they have to excavate 15 inches down and bring in 5 inches of a #72 stone and then the brick pavers. Mr. Fletcher was still concerned with the difference in the pricing between area #1 and area #3, considering the sizing of the two areas. Mr. Rogers stated that he would check into the difference in the price with Martin Enterprises again. Mr. Fletcher feels that the most critical area is #3, it is very deteriorated, a lot of indentions, places to trap water and gravel. Mr. Fletcher stated that the residential tenants will be entering the alley from Harrison Street going down through the back of the Lillie Building to their parking stalls, then to Calhoun Street to exit. Mr. Rogers has been asked to get a combined bid for all (3) sections. Mr. Fletcher informed the Commission that going out for bids would not be necessary, the project can be handled as a Change Order.

Mr. Zuber made a motion to go forward with the necessary change order(s) in order to do the project, which was second by Ms. Kass.

Urban Design Street Scope Presentation/Tom Cain & Dave Rogers

Mr. Rogers informed the Commission that he has been working with Tom Cain on a design for the Wayne Street sidewalks, which is a little different than the original construction design. Charles Brandt has an allowance of $6,800.00 for the Wayne Street sidewalk. Tom Cain's redesign will cost $17,749.00. Since there is a shortfall of approximately $10,149.00 in order to accommodate the new design Irmscher & Sons has deleted all the asphalt work in the project which generated $6,049.00 additional capital but, they

are still $4,100.00 short. Mr. Fletcher stated that the City is requiring additional brick in the design in order to continue a comprehensive sidewalk design for the downtown area. It would be staff's recommendation, since the City is requesting additional sidewalk development that the Commission put in an additional $5,000.00 into the project.

Mr. Rogers mentioned that the Commission will inherit $3,000.00 worth of tree grates that can be used on Harrison Street.

Mr. Eisbart made a motion that the Commission expend up to $5,000.00 for the project, in order to stay in compliance with the design of the city. The motion was second by Mr. Zuber.

Tom Cain of Community & Economic Development gave an update to the Commission as to what is happening with projects downtown in terms of urban design.

Kennedy Development Update - Sales/Leasing

Mr. Fletcher informed the Commission that according to Sheila Kennedy they have approximately 20 historical units and closed, 8 units committed and 8 units that have not been sold. Ms. Kennedy is still undergoing negotiations with Walgreens, which will take approximately 8700 sq. ft. of retail space. The shops that are now committed are Big City, a floral shop, and possibly an Indianapolis Architectural/Arts Guild Book Store. The new Buffalo Restaurant has approximately 4100 sq. ft., of the retail space.

Mr. Fletcher mentioned to the Commission that according to the contract regarding the sale of the new residential condominiums on the north side of the project, the contract states that Kennedy Development Services will pay the Redevelopment Commission $650,000 as of July 31st. During a meeting with Jerry Thompson, Sheila Kennedy, and staff, Ms. Kennedy requested an extension of 30 to 60 days in order to allow the bank and the Commission staff to continue negotiations with the bank.

Mr. Eisbart made a motion that he would not have any difficulty in moving to extend the time, but would also urge that as negotiations continue that we not be overly sensitive to the banks side, and that the Commission receive their portion as well as the bank. The motion was second by Mr. Hill.

Mr. Fletcher stated that Jeff Gearhart proposed that the financing for the new residential condos would be from Summit Bank, who will loan Midtowne Crossing Associates $650,000 which would be paid to the Redevelopment Commission and that after ten (10) units were sold then the Redevelopment Commission would participate in the proceeds of each unit thereafter until the balance of $170,000 is paid to the Commission.

Mr. Fletcher went on to say that as soon as Midtowne Crossing Associates secures from Summit Bank the $211,000, according to our agreement the Commission would kick in the balance of their $205,000 obligation which is $113,000. Mr. Fletcher stated that Sheila Kennedy has not given him a date as to when we can expect the Vogue Building sale and closing to occur. Her comments at the last finance committee meeting was that "as soon as the buyer works out the financing." He stressed that it is critical that the Vogue Building closing occurs in a timely manner and that the $250,000 is available to pay the contractors. Mr. Fletcher said that there is $1.239 Million dollars left in the budget and that the $250,000 Vogue sales proceeds is a part of that budget. The $250,000 will be needed within the next 30 days in order to be safe.

Resolution 90-30
Approving purchase of transcribing equipment

With no discussion, Mr. Eisbart made a motion to approve Resolution 90-30, second by Mr. Zuber.

Resolution 90-31
Approving agreement with Division of Community & Economic Development

Mr. Hill made a motion that the Commission defer Resolution 90-31 until Lincoln's situation clarifies itself, and Mr. Fletcher has completed negotiations with Conrail, the motion was second by Mr. Zuber.

Resolution 90-32
Approving agreement with Division of Community & Economic Development and Headwaters Park

Mr. Fletcher explained to the Commission that we are currently providing technical service assistance to Headwaters Park for pre-acquisition and acquisition activities necessary to develop park land within the jurisdiction of the Headwaters Park Commission. To date the Redevelopment Commission has already incurred expenses of $1,590.00 towards the project. C&ED shall provide CDBG funding in the amount of $100,000.00 for reimbursement to the Redevelopment Commission for expenses incurred in the development of Headwaters Park. Mr. Boyer requested from the Commission that the Commission Attorney and its Executive Director have the authority to make small amendments in certain clause(s).

On a motion by Mr. Eisbart, second by Ms. Kass, Resolution 90-32 was approved as amended.

Resolution 90-33
Ratifying the release of retainage funds to Leon Brown, Inc.

The Redevelopment Commission entered into a construction contract with Leon Brown, Inc. to work on the Midtowne Crossing Project. The contract between the Commission and Leon Brown, Inc. called for an escrow amount of 10% of one-half of the total contract amount. The Contractor has requested release of retainage funds in the amount of $28,676.00, due to substantial completion of the "south block" of the Midtowne Crossing Project. The Construction Manager, Architect and Executive Director have all reviewed this request for release of retainage funds and recommend approval of this request for the release of $28,676.00.

On a motion by Mr. Eisbart, second by Mr. Zuber, Resolution 90-33 was approved.

Resolution 90-34
Approving an Amendment to the Trkla, Pettigrew, Allen & Payne Southwest Downtown Contract

The Fort Wayne Redevelopment Commission entered into an agreement with Trkla, Pettigrew, Allen & Payne in the amount of $35,000 to complete the Southwest Downtown Study. Additional services are needed from this firm in the form of an additional map to accompany the final report. Trkla, Pettigrew, Allen & Payne has quoted a price of $400.00 to provide 20 copies of the additional map. After a brief discussion, the Commission authorized its Executive Director to execute an amendment on behalf of the Commission to the original contract to include the additional map.

On a motion by Mr. Eisbart, second by Mr. Zuber, Resolution 90-34 was approved.

Resolution 90-35
Resolution approving a Reciprocal Easement Agreement replacing the Reciprocal Easement Agreement of May 2, 1988.

Mr. Fletcher explained to the Commission on May 2, 1988 the Redevelopment Commission entered into a reciprocal agreement with the Midtowne Crossing Associates and Lawrence E. Shine affecting the Kresge-Groth Building which is adjacent to the property owned by Mr. Shine. Staff is requesting that the Commission approve the corrected reciprocal easement agreement, which includes mainly additional explanation about the ingress and egress not included in the first agreement.

On a motion by Mr. Eisbart, second by Ms. Kass, Resolution 90-35 was approved.

OTHER BUSINESS

George Pappas requested a letter outlining the Commission's participation in the Harrison Street sidewalk project.

Mr. Fletcher asked the Commission for their conceptual approval to undertake the replacement of the public benches on Calhoun Street, from Washington Boulevard to Berry Street. Commission members agreed in concept to this proposal but stated that they would like to see cost estimates before taking final action. Staff will coordinate this with PTC and report back to the Commission with price estimates.

With no other business to discuss, Mr. Hill made a motion to adjourn the meeting, second by Mr. Eisbart.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: September 6, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
SPECIAL MEETING
SEPTEMBER 6, 1990

TIME: 4:30 P.M.

PLACE: Room 128, City-County Building

MEMBERS PRESENT: R. Steven Hill, Benjamin A. Eisbart, Kim Zuber
George Simler

MEMBERS ABSENT: Emily Kass

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay,
Kim Romes-James, Loren Kravig

COUNSEL PRESENT: R. David Boyer

COUNSEL ABSENT: John Wernet

OTHERS PRESENT: Mark Schollenberger, Irmscher & Sons, Inc.
Jeff Gearhart, Kennedy Development Services
Joe Christoff, 110 Corporation

CALL TO ORDER

Mr. Hill called to order this special meeting of the Fort Wayne Redevelopment Commission.

APPROVAL OF MINUTES

Mr. Eisbart made a motion to approve the Minutes of July 18, 1990, second by Mr. Zuber.

APPROVAL OF CLAIMS

Mr. Eisbart made a motion to approve the July 1990 claims, second by Mr. Simler.

OLD BUSINESS

There was no old business to discuss at this September 6, 1990 meeting.

Joe Christoff of the 110 Corporation spoke to the Redevelopment Commission to explain whether or not the 110 Corporation still intends to develop one part of the parcel located on the corner of Harrison and Main Streets. The 110 Corporation has constructed a building on part of the property, but was supposed to, according to their 1986 Development Agreement with the Redevelopment Commission, construct (2) office buildings. The Redevelopment Commission reminded Mr. Christoff that the 110 Corporation is in default of their Development Agreement. Mr. Christoff stated that he and his partners have agreed to try and sell the parcel next to their building for the holding cost only. After a discussion, the Commission suggested to Mr. Christoff that he allow staff to spend some time researching other options for that particular parcel and present it to the Commission in the near future.

Midtowne Crossing - Construction Update

Mark Schollenberger made a presentation to the Commission as to the schedule of completion for the Midtowne Crossing Project. Mark stated that currently in the Lillie and Groth Building, the north part of the project, doors are being hung, woodbase is being installed, primer painting of the units, etc. The second floor of the Lillie Building is 100% primed, the floor will soon be completed, along with the corridors of this particular building. Mark estimated completion date to be October 12th. Mark believes that personnel and construction companies should be off the project site by October 12th.

Mr. Gearhart wanted to know why the completion date had changed from August to October. Mark explained that part of the delay was caused by the settlement of the Lillie Building affecting the plumbing. Because an answer was not available either as to what caused the problem or as to what corrective measures to take, the work on the Lillie Building was at a stand still for at least 4 weeks until some questions were answered. Mark also felt that a lack of push by the contractors to get the work completed and get out of the area was part of the problem. Mr. Fletcher added that the Wyss-Jinney report did not find the solution to the problem as of yet, and that the owners of the units paid for construction and design costs once, and should not be responsible for paying a second time. Mr. Fletcher suggested turning the matter over to the insurance carriers and letting them handle it. Mark reported that change orders and supplemental instructions have pretty much stopped.

Jeff Gearhart - Sales/Leasing Update

Mr. Gearhart stated that not much has changed since the last report two weeks ago. To date there are 10 unsold historical units. Mr. Gearhart mentioned that the architect for the drug store was in town to verify the site, and stated that their loan committee will meet on September 28th to make a final determination. The Big City has another partner involved, and they are now looking at the Vogue Building. Mr. Gearhart is still negotiating for the leasing of the available residential units. He mentioned that he will ultimately have to put the units back on the market. Mr. Gearhart mentioned that they are going to place a certain number of listings with Roth & Wehrly to help increase the potential of leasing the available units.

Mr. Fletcher asked Mr. Gearhart if anything transpired after meeting with Jerry Thompson of Summit Bank. Mr. Gearhart stated that he went over his proposal with Jerry Thompson, and apparently there is a deadlock between the City and the bank on the $650,000 that is to be paid up front to the City or out of the sale of the condos. To date the bank has not authorized Kennedy to sell the condos. Mr. Gearhart proposed to Summit Bank that the sale of 11 condo units would pay the City their $650,000. At this point both Mr. Gearhart and staff are still awaiting a response from Summit Bank.

Jim Lindsay - Financial Update

Mr. Lindsay explained to the Commission that the contractual balance due the contractors is $503,546.00. Cash on hand is $521,363.00, which does not include the sale of the Vogue Building. This amount includes all cash, and anything left of the $205,000, plus the $211,000 of Kennedy's money left in the bank. Mr. Lindsay added that the Commission also has a $28,000 insurance premium payment due and payable to Lupke Rice for Builders Risk liability that the Commission will be funding in the next pay period. Mr. Fletcher mentioned that he has spoken with John Riley in regards to the Vogue Building sale. Mr. Riley indicated that the price of the building was too high for him, but that he would consider making an offer to the Developer regardless.

Resolution 90-36
Approving Summit Bank Agreement consenting to credit extension of $211,000 and securing it by Leasehold Mortgage.

Mr. Fletcher explained to the Commission that this Resolution has to do with the $211,000 that Kennedy Development Services has borrowed from the bank. Kennedy has a co-signer on the money, but the bank is still requesting that the Commission allow an additional mortgage against the property.

Mr. Fletcher mentioned that if there would be a default, the bank would pursue the co-signer and probably would not affect the Commission's position. Mr. Eisbart expressed his concern that if the Commission signed the document, the Commission might loose their share in the project. Mr. Fletcher stated that Jerry Thompson has checked out the credibility of the co-signer for Kennedy Development Services, and the co-signer was well worth the $211,000. Mr. Eisbart stated that he would not be in favor of this resolution until he is assured by the bank in writing that if for some reason Kennedy Development does not pay the loan to the bank, then the bank will collect the money from the co-signer first.

On a motion by Mr. Eisbart, second by Mr. Zuber, Resolution 90-36 was approved subject to the guarantee that Summit Bank will go after the co-signer first to collect the loan before approaching the Commission. Dave Boyer was directed to make the necessary changes in the document or develop another agreement in addition to this one.

Resolution 90-37
Approving the release of retainage funds for Midtowne Crossing Project.

Mr. Fletcher asked the Commission if they had a chance to review the retainage release request that was mailed to them. Mr. Fletcher mentioned that this was a normal process, and the Commission replied that they read the retainage release and approve of the action.

On a motion by Mr. Zuber, second by Mr. Simler, Resolution 90-37 was approved.

Resolution 90-38
Approving the 1991 General and Capital Budget

Mr. Fletcher presented the 1991 budget. He stated that the 1991 budget for the Redevelopment Commission had been presented to Counsel and approved. With no discussion by the Commission, Mr. Zuber made a motion to approve the 1991 budget, second by Mr. Eisbart.

Resolution 90-39
Approving the issuance of a Certificate of Completion for the East Main Street Associates, an Indiana General Partnership

Mr. Fletcher mentioned to the Commission that he has visited the project, and the East Main Street Associates do not have a Certificate of Occupancy. Staff recommends that the Commission approve Resolution 90-39 subject to the East Main Street Associates obtaining an occupancy permit before releasing a Certificate of Completion to them.

On a motion by Mr. Eisbart, second by Mr. Zuber, Resolution 90-39 was approved subject to the East Main Street Associates obtaining a Certificate of Occupancy.

Resolution 90-40
Requesting the expenditure of additional monies from the construction fund of the City of Fort Wayne, Indiana, Redevelopment District Tax Allocation Revenue Bonds

Mr. Fletcher noted that the Redevelopment District of the City of Fort Wayne issued Tax Allocation Revenue Bonds in August of 1986, the proceeds of which were to be used to fund a portion of the Midtowne Crossing Project. Mr. Fletcher went on to say that there have been change orders in the contracts that relates to the TIF Bond Issue and this Resolution is allowing the Commission to pay the particular change orders out of the TIF Bond Issue. A request

must be made to the Summit Bank, as Trustee for their approval to do so.

John Wernet has prepared documentation for the Commission to request this action.

On a motion by Mr. Eisbart, second by Mr. Zuber, Resolution 90-40 was approved.

With no other business to discuss, Mr. Eisbart made a motion to adjourn the meeting, second by Mr. Zuber.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

Adopted: October 24, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
EXECUTIVE SESSION
OCTOBER 24, 1990

TIME: 4:00 P.M.

PLACE: Room 128, City-County Building

MEMBERS PRESENT: Kim Zuber, Benjamin A. Eisbart, George F. Simler, Emily Kass

MEMBERS ABSENT: R. Steven Hill

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay, Loren Kravig, Kim Romes-James

COUNSEL PRESENT: R. David Boyer and John Wernet

OTHERS PRESENT: Greg Purcell and John Stafford

CALL TO ORDER

Mr. Zuber called to order this Executive Session of the Fort Wayne Redevelopment Commission.

Mr. Fletcher stated to Sheila Kennedy that the Commission would like to discuss with her areas where there is non performance and her input on how she plans to correct those areas. Mr. Fletcher informed Ms. Kennedy that she was in default under the terms of the Development Agreement, the Amendment, the Second Amendment, the Lease, and the Amendment to the Lease.

Ms. Kennedy stated that she understood that there were problems with the slow leasing of the retail space, the budget overrun, the additional interests that had to be paid, the wall at the Groth Building, carrying costs of the unsold units, the reimbursables exceeding the budget by a substantial amount, etc. Mr. Fletcher noted to Ms. Kennedy that to date the Commission has about $250,000 in contracts, and there are no funds in the budget right now to pay this months expenses, how do you plan to resolve this problem. Ms. Kennedy replied that it is clearly going to have to be resolved by the sale of the Vogue Building. Mr. Wernet asked Ms. Kennedy how she planned to complete the project, and pay the existing contracts if there are no more funds available to do so, Ms. Kennedy replied that she was under the impression that there was at least $237,000 in the bank that can be used to complete the project. Mr. Wernet informed her that her calculations were incorrect, and that the sale of the Vogue Building monies will need to be used to pay construction contract payments.

Mr. Fletcher also noted that he attended the Owner's Association meeting on October 23rd at the Midtowne Crossing Project site. Mr. Fletcher mentioned that the meeting turned out to be very positive, and detected no indication of negativity from the condo owners.

A motion was made by Mr. Eisbart to adjourn the Executive Session of the October 24th Redevelopment Commission Meeting, second by Mr. Simler.

FORT WAYNE REDEVELOPMENT COMMISSION

R. Steven Hill

R. Steven Hill, President

Benjamin A. Eisbart

Benjamin A. Eisbart, Secretary

ADOPTED: November 27, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
MINUTES
OCTOBER 24, 1990

TIME: 3:30

PLACE: Room 128 City-County Building

MEMBERS PRESENT: Benjamin A. Eisbart, Kim Zuber, George Simler, Emily Kass

MEMBERS ABSENT: R. Steven Hill

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay, Kim Romes-James, Loren Kravig

COUNSEL PRESENT: R. David Boyer, John Wernet

OTHERS PRESENT: Ed Willette - Irmscher & Sons, Inc.
Sheila Kennedy - Kennedy Development Services
Jeff Gearhart - Kennedy Development Services
George Mallers - Attorney

CALL TO ORDER

Mr. Zuber called to order this special meeting of the Fort Wayne Redevelopment Commission.

APPROVAL OF MINUTES

Mr. Eisbart made a motion to approve the Minutes of September 6, 1190, second by Ms. Kass.

APPROVAL OF CLAIMS

Mr. Eisbart made a motion to approve the August and September, 1990 claims, second by Mr. Zuber.

NEW BUSINESS

Midtowne Crossing Update

Construction - Ed Willette

Mr. Ed Willette informed the Commission that the finishing touches are still taking place. He believes that Midtowne will be substantially complete by the end of October. Mr. Willette mentioned that a problem has occured with the light weight concrete on the third and fourth floor of the Lillie Building. There were some initial tests taken on the 3rd and 4th floors that indicated the light weight concrete was not up to specifications. Mr. Willette went on to explain that they will have to do additional testing to determine the problem. Mr. Willette concluded by saying, after the tests are completed, they should know conclusively whether the concrete was bad and which contractor they will have to work with to rectify the problem. Ms. Kennedy added that this temporary problem is not a structural problem.

Budget - James Lindsay

Mr. Lindsay explained to the Commission that he has put together a summary sheet showing funds available to complete the project. Mr. Lindsay explained that the financial records needs to be reconciled with the records of Summit Bank, Irmscher, and also internal records since the project is nearing completion. The sources of funds is $311,359, there is approximately $5,100 dollars left from the Developers Loan at Summit Bank. This assumes a monthly interest payment, along with some other expenses will be deducted.

When the proceeds of the Vogue Building are subtracted, a fund balance available is $66,459 rather than $311,359. The contract balance through the end of the project is $206,110. The cash short fall without the Vogue Building sales is roughly $250,000. There are some other pending costs that are not in yet, in terms of their dollar amount, but will be soon. Mr. Eisbart asked staff about the contingency funds, Mr. Fletcher replied that if all the Construction Manager's contingency funds has not been used then it will be used to pay for construction costs. Mr. Lindsay also noted that Mr. Burt Brunner of The Cooper CPA Group, is doing some audit work for the Developer on the project. Mr. Eisbart asked when the last time the Commission was audited, Mr. Lindsay replied that the State Board of Accounts audited back in May and they will return next May. Also the HUD Inspector General audited the project, and along with the Community & Economic Development Division of HUD. The project will be audited again by HUD and by the State Board of Accounts. Mr. Simler has suggested that we ask for the audit by HUD and the State Board of Accounts in writing. Mr. Fletcher noted that an audit will take place after completion of the project on the records of the Commission as well as the Developer.

Resolution 90-41
Approving release of retainage for Louis Lengacher

Mr Lindsay explained that the carpentry work in the historical condos has been completed by Louis Lengacher in the south block. The release of retainage has been approved by the Executive Director, the Developer, and Construction Manager. The amount to be released to Louis Lengacher is $34,187.50.

On a motion by Mr. Simler, second by Mr. Eisbart, Resolution 90-41 was approved.

Resolution 90-42
Approving Irmscher & Sons, Inc., Additional Fees

*NOTE - Resolution 90-42 was tabled until the next scheduled Commission Meeting.

Resolution 90-43
Approving Certificate of Completion Harrison St. Project/Hank Freistroffer

Mr. Fletcher explained to the Commission that this small piece of property located north of the 110 Coporation has been completed. The Commission consented to transferring the real estate to Henry D. Freistroffer if Mr. Freistroffer assumed the obligations of Robert E. Howard, the previous owner, contained in the Contract for Sale of Land for Private Redevelopment. According to the Development Agreement the development must be inspected and approved by the Commission. Hank Freistoffer has completed the glass enclosure, fireplace, dance floor, etc. as he specified. Mr. Freistroffer would now like the Commission to issue a Certificate of Completion for said project.

Mr. Simler made a motion to approve Resolution 90-43, second by Mr. Zuber.

Resolution 90-44
Approving an Assessment Agreement for the Patterson Fletcher sidewalk and curb project

The Commission has agreed to assist George Pappas and Steve Panaretos, partners in ownership of the Patterson-Fletcher Building in the cost of replacing the curbs and sidewalks adjacent to the Patterson-Fletcher Building. The Board of Public Works and Safety has prepared engineering plans to determine the cost of the

project. The cost of the project, in addition to adding one additional tree and grate will be approximately $32,769.00. Mr. Eisbart was concerned with the fact that the agreement between Pappas/Panaretos and the Commission did not state who in fact will be responsible for the maintenance of the trees since it was not a part of the contract. The Commission agreed to approve Resolution 90-44 with the understanding that staff will try to negotiate a tree maintenance agreement with Pappas/Panaretos.

On a motion by Mr. Eisbart, second by Mr. Zuber, Resolution 90-44 was approved subject to the Executive Director trying to negotiate a maintenance agreement.

Resolution 90-45
Approving Contract for Transit Mall Maintenance

The Commission has determined that the Calhoun Street Transit Mall is in need of landscape improvements. The Commission has solicited for and received two bids to perform the maintenace on the Transit Mall. The lowest and best bid was from Bruce Ewing in the amount of $3,042.50 (not to exceed $3,775.00) for tree trimming replacement of one tree, and tree grate cleanup.

On a motion by Mr. Zuber, second by Ms. Kass, Resolution 90-45 was approved.

Mr. Zuber made a motion to recess the Special Redevelopment Commission Meeting, second by Mr. Eisbart.

OCTOBER 30, 1990
4:00 P.M.
RECONVENED REDEVELOPMENT COMMISSION MEETING
FROM OCTOBER 24, 1990

COMMISSION PRESENT: R. Steven Hill, Benjamin A. Eisbart, Kim Zuber, George Simler

COMMISSION ABSENT: Emily Kass

COUNSEL PRESENT: R. David Boyer and John Wernet

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay, Loren Kravig, Kim Romes-James

OTHERS PRESENT: Greg Purcell and John Stafford

Mr. Fletcher explained to the Commission what transpired in a finance committee meeting with Sheila Kennedy, George Mallers, Grant Shipley, and Dick Thompson, representing Summit Bank. The Bank's position is that they are willing to wait until November 11th, and at that time internally decide just how they want to handle the situation. The Kennedy's do not have any additional finances to bring to the table, any decisions in terms of additional will have to be between the Bank and the Commission. The Bank and the finance committee discussed that if Kennedy Development has not shown any progress in 45 to 60 days maximum, then the Bank and the Commission would begin default proceedings. Sheila Kennedy agreed to sign an agreement to Waiver the 30 day notice in favor of a 24 hour notice. As of October 24th, Ms. Kennedy was suppose to meet with the people at Walgreens to further discuss occupying the 4,100 sq. ft. section of the retail space. Ms. Kennedy was not available to discuss what occured as of Tuesday, October 30th. Mr. Wernet noted that between now and November 11th when the next interest expense payment is due, an agreement between the Commission and the Bank will need to be worked out allowing sales proceeds to be used for operating expenses and interest. Mr. Boyer went on to say that he felt it

was essential to avoid using any Commission funds to service interests until negotiations are finished.

Mr. Fletcher made a comment that possibly opening up the parking to anyone who wants to lease in order to offset some of the utility costs. Possibly lease on a month to month basis and as the condos sell eliminate the leases accordingly.

Resolution 90-46
Authorizing the addition of funds for Midtowne Crossing Construction Expenditure

Mr. Fletcher explained to the Commission that the Resolution calls for $250,000 to be used to fund contractural obligations and to meet current monthly obligations. The Commission agreed to amend Resolution 90-46 to reflect $265,000 for Midtowne construction expenditures.

On a motion by Mr. Simler, second by Mr. Hill, Resolution 90-46 was approved with the appropriate amendment.

Resolution 90-47
Amending Resolution 90-45 and Approving Entering into Contract with Siebold-Price Tree and Landscaping Company

Mr. Fletcher explained to the Commission that they have already approved Resolution 90-45 approving entering into a contract with Bruce Ewing Landscaping. Mr. Ewing is unable to perform the bid specification relating to the replacement of a six-inch Greenspire Linden, thereby reducing its bid of $3,775.00 to $2,900.00 for tree trimming and tree grate cleanup. Siebold-Price has submitted a price for the replacement of the trees. Staff is requesting entering into a contract with Siebold-Price Landscaping for the replacement of the trees at an amount not to exceed $875.00.

After a brief discussion Mr. Zuber made a motion to approve Resolution 90-47, second by Mr. Hill.

Resolution 90-48
Approving Waiver of Thirty (30) Day Notice to Developer under Development and Lease Agreement

With no discussion by the Redevelopment Commission, Mr. Eisbart made a motion to approve Resolution 90-48, second by Mr. Hill.

Resolution 90-49
Approving Conveyance of Certain Midtowne Crossing Condominium Units Subject to Escrow of Sellers' Proceeds

With no discussion by the Redevelopment Commission, Mr. Eisbart made a motion to approve Resolution 90-49, second by Mr. Hill.

OTHER BUSINESS

None

With no other business to discuss, Mr. Zuber made a motion to adjourn the meeting, second by Mr. Hill.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: November 27, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
EXECUTIVE SESSION
MINUTES
NOVEMBER 27, 1990

TIME: 4:00 p.m.

PLACE: Mayor's Conference Room
City-County Building

MEMBERS PRESENT: R. Steven Hill, Benjamin A. Eisbart, Kim Zuber
George F. Simler, III, Emily Kass

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay,
Loren Kravig, Kim Romes-James

COUNSEL PRESENT: R. David Boyer, John J. Wernet

OTHERS PRESENT: Ivan Lebamoff - Lebamoff Law Offices
Dick Thompson/Jerry Thompson - Summit Bank
Ed Willette - Irmscher & Sons, Inc.

CALL TO ORDER

Mr. Hill called to order this Executive Session of the Fort Wayne Redevelopment Commission.

Discuss Lebamoff Law Offices

Ivan Lebamoff's purchase of real estate in the Midtowne Crossing Project was discussed.

Discuss Midtowne Crossing Project

The sales and leasing of Midtowne Crossing Project was discussed and potential litigation in reference to a default. Construction problems resulting in potential litigation of arbitration was discussed in reference to two contractors, Charles Brandt and Leon Brown.

With no other business to discuss the meeting was adjourned.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: December 10, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
SPECIAL MEETING
MINUTES
NOVEMBER 27, 1990

TIME: 4:00 p.m.

PLACE: Mayor's Conference Room
City-County Building

MEMBERS PRESENT: R. Steven Hill, Benjamin A. Eisbart, Kim Zuber
George F. Simler, III, Emily Kass

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay,
Kim Romes-James, Loren Kravig

COUNSEL PRESENT: R. David Boyer, John J. Wernet

OTHERS PRESENT: Dick Thompson, Summit Bank
Jerry Thompson, Summit Bank
Ed Willette - Irmscher & Sons, Inc.

CALL TO ORDER

Mr. Hill called to order this special meeting of the Fort Wayne Redevelopment Commission.

APPROVAL OF MINUTES

Mr. Simler made a motion to approve the Minutes of October 24, 1990, second by Ms. Kass.

APPROVAL OF CLAIMS

Mr. Eisbart made a motion to approve the October 1990 claims, second by Mr. Simler.

OLD BUSINESS:

Resolution 90-42
Approving the Request of Irmscher & Sons for payment of additional construction management hours

Mr. Fletcher explained to the Commission that this Resolution concerns the additional dollar amount of $19,830.00 requested by Irmscher & Sons, Inc. for the additional time necessary to complete the project. The Redevelopment staff and counsel have reviewed this request for additional compensation and recommend its approval.

On a motion by Mr. Eisbart, second by Mr. Simler, Resolution 90-42 was approved.

NEW BUSINESS:

Midtowne Crossing Update

Construction Update - Ed Willette

Ed Willette of Irmscher & Sons, Inc. reported to the Commission that there were just a few more items on the "punch list" to complete. A meeting is scheduled with two contractors, Charles C. Brandt and Leon Brown, on November 28th to go over two pending construction problems which need to be resolved. Mr. Willette noted that he is only on the project site on a as needed basis now.

Mr. Fletcher commented that after a brief meeting with Dave Rogers of Irmscher & Sons, Inc., that he is requiring that everything will be completed and all contractors off the premises no later than January 1, 1991.

Budget Update - James C. Lindsay

Mr. Lindsay explained that the condensed statement shows that the sources of funds for the project are $138,200, less the November payments that will be made the first week of December of $76,600, less the outstanding balance of the construction contracts of $38,600, leaving a fund balance of $23,000.00.

Resolution 90-50
Approving appointments to Midtowne Crossing Association

Mr. Fletcher informed the Commission that according to the By-Laws of the Midtowne Crossing Owner's Association and the Declaration Establishing a Plan of Ownership for the Midtowne Crossing Condominiums, require that the Commission appoint two (2) members to serve on the Board of Directors. The Declaration also requires that two (2) members are appointed by the Developer, and one (1) by the Bank. Mr. Hill addressed the Commission as to whether or not any of them would want to serve. The Commission decided that the staff members for the Redevelopment Commission should serve on the Board of Directors, Ronald R. Fletcher, and James C. Lindsay, and amend Resolution 90-50 to reflect as such.

On a motion by Mr. Eisbart, second by Ms. Kass, Resolution 90-50 as amended was unanimously approved by the Commission.

Resolution 90-51
Amending Midtowne Crossing Development Agreement to expand the use of escrowed account.

Mr. Fletcher explained that this Resolution was an amendment to the Midtowne Crossing Development Agreement expanding the escrow account to allow the payment of interest, utility fees, maintenance fees, and other expenses that are necessary in order to protect and safeguard the project.

On a motion by Mr. Eisbart, second by Mr. Zuber, Resolution 90-51 was approved.

Resolution 90-52
Approving amendment to the Midtowne Crossing Horizontal Regime Document

Mr. Fletcher explained to the Commission that this Resolution is an amendment to the Horizontal Regime Document amending the Declaration and By-Laws to expand the commercial space by 1500 sq. ft., and reduce the residential by the same amount.

On a motion by Mr. Zuber, second by Mr. Eisbart, Resolution 90-52 was approved.

Resolution 90-53
Approving entering into an agreement for payment of assessments with the Board of Public Works and Safety and Robert S. Walters

The Commission has determined that it will be of public benefit to replace the sidewalks at the southwest corner of Harrison and Wayne Streets. The Commission has agreed to assist Robert S. Walters in the replacement of the sidewalks and curbs adjacent to his building. The Board of Public Works and Safety has caused engineering plans, and public bids to be advertised to determine the project cost. This Resolution commits the Commission to pay to

the Board 82.15% of the project cost or an amount not to exceed $32,113.00.

On a motion by Ms. Kass, second by Mr. Simler, Resolution 90-53 was approved.

Resolution 90-54
Approving the release of retainage funds for Waynedale Lumber & Supply Company

Mr. Lindsay explained to the Commission that this Resolution is to approve the release of retainage funds for Waynedale Lumber & Supply Company. Waynedale Lumber supplied the cabinets for the Midtowne Crossing Project. The Construction Manager, Architect, and Executive Director have reviewed the request for release of retainage funds and have no objections.

On a motion by Mr. Eisbart, second by Mr. Zuber, Resolution 90-54 was approved.

Resolution 90-55
Approving entering into agreement with Indiana University and its School of public and Environmental Affairs

In a previous Commission Meeting the Commission agreed to submit a proposal for a Lilly Community Assistance Fellows Program, and the School's Project Selection Committee has agreed to sponsor the request. The project will consist of investigating the possibility of creating a metropolitan redevelopment commission in the Fort Wayne area. The Commission has agreed to pay a sum of $1,200 upon the completion of the school's services.

On a motion by Mr. Eisbart, second by Mr. Zuber, Resolution 90-55 was approved.

Resolution 90-56
Amending the authorization of additional funds for Midtowne Crossing construction expenditures

This Resolution is an amendment to Resolution 90-46 which was previously approved by the Commission. Staff recommends the approval of this amendment which increases the additional funds from $265,000 to $290,000, which is to be offset by funds received from the future sale of the Vogue Building.

On a motion by Mr. Simler, second by Ms. Kass, Resolution 90-56 was approved.

Mr. Fletcher informed the Commission that Arts United has requested $50,000 from the Redevelopment Commission to match both Arts United Renaissance Funds and funds raised locally for the development of the Doubleday Building, located at 437 East Berry Street. Upon completion the facility will be used for ARCH, Artlink, Fort Wayne Cinema Center, and F.W. Dance Collective. Mr. Eisbart suggested that the Commission discuss the issue again in another Commission meeting when there is more time to discuss in detail. The Commission agreed unanimously.

With no further business to discuss, Mr. Hill made a motion to adjourn the meeting, second by Mr. Eisbart.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: December 10, 1990

FORT WAYNE REDEVELOPMENT COMMISSION
EXECUTIVE SESSION
MINUTES
DECEMBER 10, 1990

TIME: 4:00 P.M.

PLACE: City-County Building, Room 128

MEMBERS PRESENT: R. Steven Hill, Benjamin A. Eisbart, George F. Simler III, Emily Kass

MEMBERS ABSENT: Kim Zuber

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay, Loren Kravig, Kim Romes-James

COUNSEL PRESENT: R. David Boyer, John J. Wernet

OTHERS PRESENT: Dave Rogers, Irmscher & Sons, Inc.
Sheila Kennedy, Kennedy Development Services
Dick Thompson/Jerry Thompson, Summit Bank

CALL TO ORDER

Mr. Hill called to order this Executive Session of the Fort Wayne Redevelopment Commission.

Discuss Midtowne Crossing Project

The sales and leasing of Midtowne Crossing Project was discussed and construction problems resulting in potential litigation and arbitration was discussed in reference to contractors involved in the Midtowne Crossing Project. Charles C. Brandt, Louis L. Lengacher, and Leon Brown.

With no other business to discuss the meeting was adjourned.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: January 22, 1991

FORT WAYNE REDEVELOPMENT COMMISSION
SPECIAL MEETING
MINUTES
DECEMBER 10, 1990

TIME: 4:00 P.M.

PLACE: City-County Building, Room 128

MEMBERS PRESENT: R. Steven Hill, Benjamin A. Eisbart, George F. Simler III, Emily Kass

MEMBERS ABSENT: Kim A. Zuber

STAFF PRESENT: Ronald R. Fletcher, James C. Lindsay Loren Kravig, Kim Romes-James

COUNSEL PRESENT: R. David Boyer, John J. Wernet

OTHERS PRESENT: Dick Thompson/Jerry Thompson - Summit Bank
Sheila Kennedy - Kennedy Development Services
Dave Rogers - Irmscher & Sons, Inc.

CALL TO ORDER

Mr. Hill called to order this special meeting of the Fort Wayne Redevelopment Commission.

APPROVAL OF MINUTES

Mr. Hill made a motion to approve the November 27, 1990 Minutes, second by Ms. Kass.

APPROVAL OF CLAIMS

Mr. Simler made a motion to approve the November 1990 claims, second by Mr. Eisbart.

NEW BUSINESS:

Midtowne Crossing Update

Construction Update - Dave Rogers, Irmscher & Sons, Inc.

Mr. Rogers informed the Commission that the two (2) problem areas that they are currently addressing, are the light weight concrete floors of the Lillie Building and the building compression of the Lillie Building. Mr. Rogers has met with Charles C. Brandt, Louis L. Lengacher, the construction manager, and the Architect regarding these matters. Charles C. Brandt being the concrete contractor, and Louis L. Lengacher being the drywall contractor. It was discussed at the time of the meeting, based on several reports that the concrete was not up to standard. The meeting adjourned with no solution. Mr. Rogers added that the light weight concrete floor is not a structural problem. Mr. Rogers received a letter from Charles C. Brandt offering 5 different solutions to the problem, all of them being time consuming and very costly.

The project is in the final stages of correcting punch list deficiencies with various contractors. Mr. Rogers projects completion of some minor cosmetic work by January 1, 1991.

Budget Update - Jim Lindsay

Mr. Lindsay reported to the Commission that the budget report has not changed significantly since the report that was made on November 27, 1990, with the exception of the disbursements that were made the week of December 3rd. Mr. Lindsay noted that the final source of funds is $81,000, and a construction contract balance of $38,600. After Irmscher's fee and change orders are deducted, a balance of approximately $2,000.00 remains.

Resolution 90-57
Approving entering into agreement with the Division of Community & Economic Development for the receipt of Community Development Block Grant funds for the development of the Baker Street Railroad Station

Mr. Fletcher explained to the Commission that Conrail has threatened to demolish the station, and the City has reacted by classifying it as a historical building. The City has suggested that the Redevelopment Commission act as an agent to possibly take possession of the station and try to market the property for development. In order to determine the marketability of the property a survey, environmental assessments, and title work have been ordered. This Resolution approves entering into an agreement allowing the Commission to expend money ($249,399.00) for preacquisition and construction costs. Community & Economic Development will provide Community Development Block Grant funding in the amount of $249,399.00 for reimbursement to the Commission of expenses incurred during this process.

On a motion by Mr. Simler, second by Ms. Kass, Resolution 90-57 was approved.

Resolution 90-58
Approving the selection of an Appraiser for the Headwaters Park Project

The Redevelopment Commission has agreed to provide technical and professional assistance in cooperation with the Headwaters Park Commission, including appraisal services. Mr. Fletcher informed the Commission, that the cost for each appraisal for the Poinsatte property is $4,500.00. Mr. Gettel and Mr. Misner will provide staff with a preliminary appraisal until the Headwaters Park Commission determines the date for acquisition. At that time Mr. Gettel and Mr. Misner will reinvestigate, and then provide staff with a full appraisal document. If for some reason the two Appraisers find it unnecessary to go back in order to do the full appraisal, they will readjust their fee to reflect a reduced cost, $4,000.00 each.

On a motion by Mr. Simler, second by Ms. Kass, Resolution 90-58 was approved.

Resolution 90-59
Approving the release of retainage funds for Eagle Equipment, Inc.

Mr. Lindsay reported to the Commission that Eagle Equipment, Inc. provided the trash chute compactors for the Midtowne Crossing condominium units. This request has been reviewed by the Construction Manager, Architect, City Contract Compliance Officer, and the Executive Director and have no objections to the release of $1,420.25 to Eagle Equipment, Inc. for their services.

On a motion by Mr. Eisbart, second by Mr. Simler, Resolution 90-59 was approved.

Resolution 90-60
Approving the Agreement for Waiver and Limitation of Damages

Mr. Fletcher informed the Commission that John Scheele owner of Cindy's Diner has moved to the northwest corner of Harrison and Wayne Street. The property the diner has relocated in identified in the Downtown Comprehensive Plan and Development Strategy as a potential future redevelopment project. In the event the property is designated a redevelopment area, the Diner must be relocated, this agreement limits the Commission's damages. Mr. John Scheele requested and received a $25,000 facade loan from the Community

Development Corporation for the relocation. After a brief discussion, the Commission passed Resolution 90-60 subject to further negotiations and change of language in the agreement.

On a motion by Mr. Eisbart, second by Mr. Simler, Resolution 90-60 was approved.

Resolution 90-61
Approving the Issuance of a Certificate of Completion for the True Love Missionary Baptist Church, Inc.

True Love Missionary Baptist Church located at 715 East Wallace Street, has been constructed since 1978, in accordance with the Contract for Sale of Land for Private Redevelopment. The contract specifies that the Commission will issue a Certificate of Completion after project completion at the request of the owner.

On a motion by Mr. Eisbart, second by Mr. Simler, the issuance of a Certificate of Completion was approved.

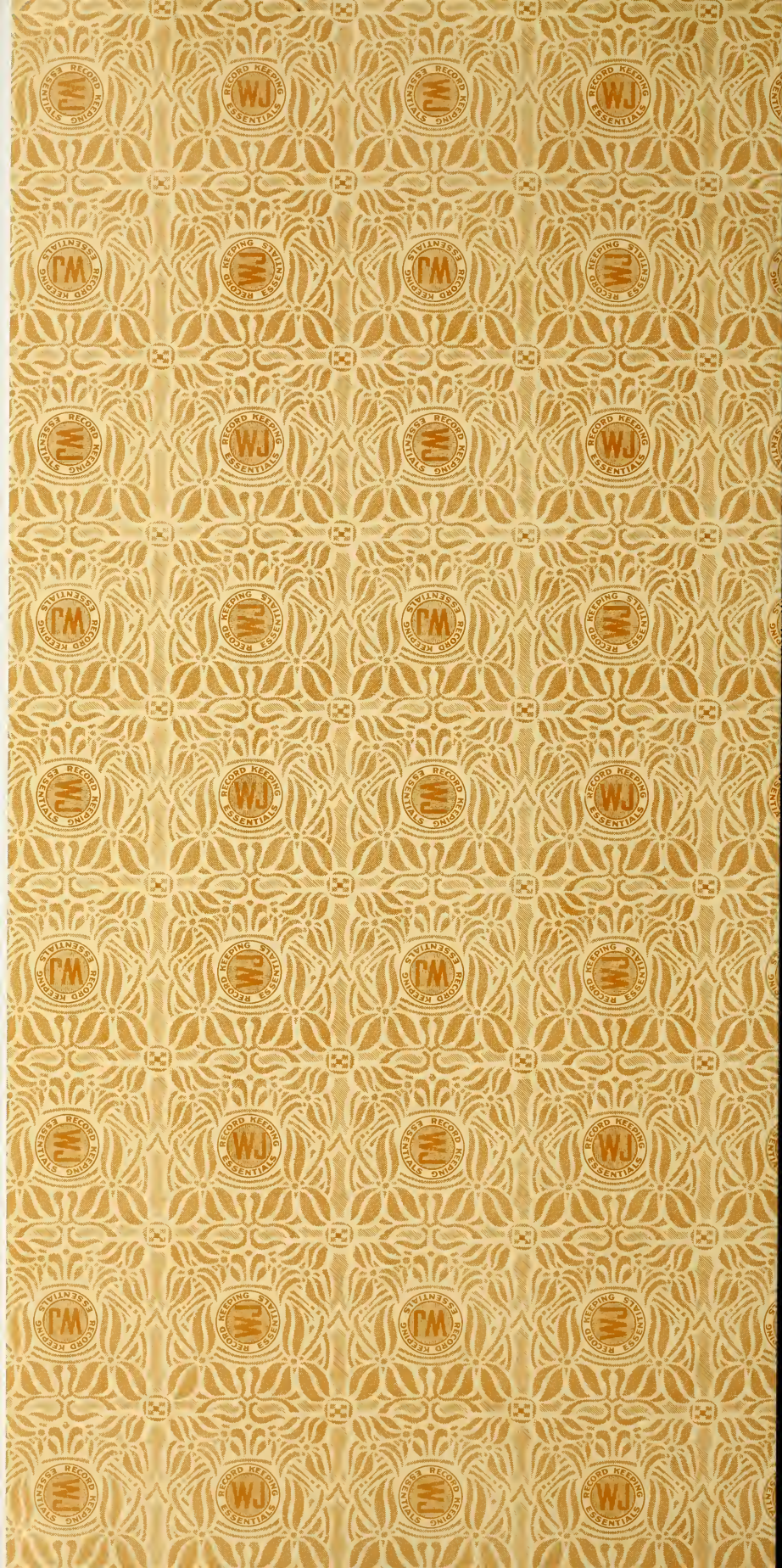
OTHER BUSINESS

Mr. Fletcher briefly noted to the Commission that he has spoke with Alan Grinsfelder, a local architect regarding the Doubleday Building. Mr. Grinsfelder will be looking at the public improvements for the project for consideration by the Commission. Mr. Grinsfelder will be working on this for possible discussion at the next scheduled Commission meeting.

FORT WAYNE REDEVELOPMENT COMMISSION

Benjamin A. Eisbart, Secretary

ADOPTED: January 22, 1991


RECORD KEEPING
WJ
ESSENTIALS

TO LOCK PERMANENTLY

Push down spur with a blunt instrument.